

34-19-4 Injunctive relief -- Reasons for prohibiting.

Equity procedure that permits a complaining party to obtain sweeping injunctive relief that is not preceded by or conditioned upon notice to and hearing of the responding party or parties, or that issues after hearing based upon written affidavits alone and not wholly or in part upon examination, confrontation and cross-examination of witnesses in open court, is peculiarly subject to abuse in labor litigation for the reasons that:

- (1) The status quo cannot be maintained but is necessarily altered by the injunction;
- (2) Determination of issues of veracity and/or probability of fact from affidavits of the opposing parties that are contradictory and, under the circumstances, untrustworthy rather than from oral examination in open court is subject to grave error;
- (3) Error in issuing the injunctive relief is usually irreparable to the opposing party; and
- (4) Delay incident to the normal course of appellate practice frequently makes ultimate correction of error in law or in fact unavailing in the particular case.

Enacted by Chapter 85, 1969 General Session